

Message Text

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ACTION SS-30

INFO OCT-01 ISO-00 /031 W

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R 281845Z MAY 74

FM USMISSION EC BRUSSELS

TO SECSTATE WASHDC 6959

INFO USMISSION OECD PARIS

C O N F I D E T I A L EC BRUSSELS 3514

EXDIS

OECD PARIS FOR AMBASSADOR EBERLE

E. O. 11652: GDS

TAGS: ETRD, GATT, EEC, US

SUBJECT: ARTICLE XXIV:6 NEGOTIATIONS

REF: (A) EC BRUSSELS 3133

(B) EC BRUSSELS 3029

(C) STR/USEC TELCONS

1. SUMMARY: THE FILM ITEM INCLUDED IN THE LIST OF ARTICLE XXIV:6 CONCESSIONS CIRCULATED BY THE EC COMMISSION AND UNDER DISCUSSION IN THE COMMITTEE OF PERM REPS IS, IN THE US VIEW, INCORRECT IN THAT IT EXCLUDES STILL FILM LARGER THAN 35 MM FROM THE 8 PERCENT CONCESSION. THE MISSION HAS ATTEMPTED TO CORRECT THIS ERROR. THE COMMISSION STAFF, WHILE WILLING TO SAY THAT THERE WAS A MISUNDERSTANDING (NOT NECESSARILY THEIR FAULT), CONTINUES TO RESIST CHANGING THE FILM ITEM, ON THE GROUND THAT THIS WOULD BE TACTICALLY DANGEROUS. END SUMMARY.

2. IN THE REFTELS, THE MISSION TRANSMITTED THE LIST OF PROPOSED ARTICLE XXIV:6 CONCESSIONS WHICH THE EC COMMISSION CIRCULATED TO THE NINE AND WHICH IS CURRENTLY UNDER DISCUSSION IN THE COMMITTEE OF PERM REPS. THE VERSION IN REFTEL A REVISES THAT
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IN REFTEL B AND IS THE VERSION NOW UNDER CON-

SIDERATION: "8 PERCENT ON EX-OUT 35 MM AND LESS
(EXCEPT X-RAY, GRAPHIC, AND MICROFILMS)".

3. OVER THE PAST TWO WEEKS, THE MISSION HAS
ATTEMPTED TO PERSUADE THE COMMISSION THAT THIS
DESCRIPTION IS INCORRECT. THE US UNDERSTANDING
WAS THAT ALL STILL FILM SHOULD
OBTAIN THE 8 PERCENT RATE, AND THE LATEST COM-
MISSION DEFINITION EXCLUDES STILL FILM GREATER
THAN 35 MM. AT FIRST THE COMMISSION REJECTED THE
VIEW THAT THERE WAS ANY BASIS FOR THE US UNDER-
STANDING THAT ALL STILL FILM WAS TO BE INCLUDED.
HOWEVER, AFTER WE REVIEWED THE RECORD OF NEGOTIA-
TION ON THIS ITEM IN DETAIL WITH HIJZEN ON MAY 27,
DERISBOURG, A COMMISSION INDUSTRIAL ADVISER WHO
ATTENDED THE MEETING, DID CHECK COMMISSION FILES
AND ACKNOWLEDGED TO US ON MAY 28 THAT THEY CONTAIN A
DEFINITION PROVIDED BY US ON MARCH 28,
WHICH INCLUDES ALL STILL FILM IN THE 8 PERCENT
CATEGORY. DETRISBOURG NOTED THAT THEN AND IMMEDI-
ATELY LATER, THE FOCUS OF DISCUSSION HAD BEEN ON
35 MM MOVIE FILM, AND THAT THE COMMISSION OFFICIALS
INVOLVED HAD NOT UNDERSTOOD THAT THE PHRASING OF
THE EX-OUT PROVIDED BY US MEANT THAT ALL STILL
FILM WOULD RECEIVE THE 8 PERCENT RATE.

4. HIJZEN HIMSELF--THOUGH HE HEARD OUT OUR CASE--
DID NOT WANT TO ENTER INTO AN EXCHANGE ON THE
NEGOTIATING HISTORY OF THE FILM ITEM. RATHER, HE
EMPHASIZED THAT IN HIS VIEW IT WAS POLITICALLY IMPOSSIBLE TO
CHANGE THE DEFINITION AT THIS STAGE. THE BELGIANS,
HE NOTED, WERE OPPOSED TO INCLUSION OF ANY 35 MM
FILM IN THE CONCESSION, AND IN THESE CIRCUMSTANCES,
IT WOULD BE HOPELESS AND RISKY FOR THE COMMISSION TO REOPEN
THE MATTER AND ARGUE FOR THE INCLUSION OF STILL FILM GREATER
THAN 35 MM.
GREENWALD

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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CUSTOMS DUTIES, FILMS, ARTICLE XXIV 6, TARIFF NEGOTIATIONS, TARIFF CONCESSIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 28 MAY 1974
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974ECBRU03514
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740134-0029
From: EC BRUSSELS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740515/aaaaamsv.tel
Line Count: 98
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION SS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: EXDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: EXDIS
Reference: (A) EC BRUSSELS 3133
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 01 APR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <01 APR 2002 by cunninfx>; APPROVED <13 JUN 2002 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ARTICLE XXIV:6 NEGOTIATIONS
TAGS: ETRD, US, GATT, EEC
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005